

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KUTEST KIDS EARLY INTERVENTION CO.,

Plaintiff,

v.

OHIO SECURITY INSURANCE COMPANY,

Defendant.

Civil Action No. 1:20-cv-11169

**DECLARATION OF MELISSA M. D'ALELIO IN SUPPORT OF**  
**DEFENDANT OHIO SECURITY INSURANCE COMPANY'S**  
**MOTION FOR JUDGMENT ON THE PLEADINGS**

I, Melissa M. D'Alelio, Esq., on oath depose and state as follows:

1. I am an attorney licensed to practice in Massachusetts. I represent Defendant Ohio Security Insurance Company in the above captioned matter.

2. A true and correct certified copy of insurance policy number BZS 59250107, issued by Ohio Security Insurance Company to the Named Insured, Kutest Kids Early Intervention, for the policy period of October 24, 2019 to October 24, 2020, is attached hereto as Exhibit 1. The policy is accompanied by the June 22, 2020 affidavit of David Hager, the policy copy archivist for Ohio Security Insurance Company.

3. Attached hereto as Exhibit 2 is a copy of the transcript of the July 1, 2020 summary judgment hearing in *Gavrilides Mgmt. Co. LLC v. Mich. Ins. Co.*, No. 20-258-CB-C30 (Mich. Cir. Ct.).

4. Attached hereto as Exhibit 3 is a copy of the transcript of the preliminary injunction hearing in *Social Life Magazine Inc., v. Sentinel Ins. Co.*, No. 20-cv-3311, Prelim. Inj. Hr'g Tr., ECF No. 24-1, at 8 (S.D.N.Y.).

5. Attached hereto as Exhibit 4 is a copy of the Transcript of Decision in *FAFB, LLC v. Blackboard Ins. Co.*, No. MER-L-892-20 (N.J. Super. Ct. Nov. 4, 2020).

6. Attached hereto as Exhibit 5 is a copy of the Order Granting Defendant's Motion to Dismiss in *Mattdogg, Inc. (d/b/a Pure Focus Sports) v. Phila. Indem. Ins. Co.*, No. MER-L-000820-0 (N.J. Super. Ct. Nov. 17, 2020).

I declare under the penalties of perjury on this 18th day of December, 2020 that the foregoing is correct and true.

/s/ Melissa M. D'Alelio

Melissa M. D'Alelio

**CERTIFICATE OF SERVICE**

I, Melissa M. D'Alelio, hereby certify that on this day, I electronically filed the within document with the Clerk of the Court using the CM/ECF system that will send notification of such filing(s) to all counsel of record. The document is available for viewing and downloading through the ECF system.

Dated: December 18, 2020

/s/ Melissa M. D'Alelio  
Melissa M. D'Alelio

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